

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No.5723 of 2001

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Dated: 5.12.2007

Between:

Solam Adeiah.

.... PETITIONER

AND

The Secretary,
Roads and Buildings Department,
Government of Andhra Pradesh,
Secretariat, Hyderabad and 4 others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.5723 of 2001

Order:

It is stated that the petitioner belongs to Koya community and is owner and possessor of an extent of Ac.2.26 guntas of land situate in S.No.203 of Manugur Village and Mandal, Khammam District being his patta land. While so, in the year 1994, the respondents have taken possession of 0.23 guntas of land from the petitioner for laying a PWD road and at the instance of the respondents only a Suraksha bus stand and Auto Stand was also constructed in an area of 16 guntas from out of the land of the petitioner. Further, an extent of seven guntas of land was also taken for the purpose of construction of houses. It is stated that all the above stated extents of land was taken from the petitioner without paying any compensation and now the petitioner is left with only an extent of Ac.1.20 guntas of land. Alleging that the respondents are trying to even take away the remaining extent of land of the petitioner without following any procedure and are not allowing the petitioner to cultivate, the present writ petition is filed seeking a direction to the respondents to pay compensation to the petitioner for the lands already taken over and further to direct the respondents not to interfere with the possession and enjoyment of the petitioner over an extent of Ac.1.20 guntas.

Counter affidavit is filed by respondent No.5 on behalf of respondents 1 and 3 to 5. Respondent No.2 has also filed another counter.

In the counter affidavit filed by the 5th respondent – Mandal Revenue Officer, it is stated that the land in an extent of Ac.0.23 guntas was used for the construction of a PWD road; that the said road was formed in the said land 30 years ago and all the land losers were paid compensation at the time of formation of the road itself. With regard to the construction of 'Suraksha Bus Stand' it is stated that in the year 1999, Sri Vasavi Club, Manuguru has constructed a bus shelter measuring Ac.0.16 guntas in the land belonging to the petitioner. It is also stated that neither the said Vasavi Club has made a representation nor the petitioner made a complaint at the time of construction of the bus stand. It is stated that the Vasavi Club constructed the bus stand and requested the Depot Manager, APSRTC, Manuguru to take over the bus stand for operating the buses from the said place. It is also stated that the petitioner himself gifted the said land to the Vasavi Club for the purpose of construction of the bus stand and that the same has been constructed with the funds of the Club in public interest. It stated that the respondents never interfered with the remaining land of the petitioner admeasuring Ac.1.20 guntas.

It is stated in the counter affidavit filed by the 2nd respondent that they have not laid any road in the land of the petitioner and that he is not responsible for taking away the land of the petitioner for construction of the bus stand etc.

Be that as it may, it is submitted by the learned counsel for the petitioner that in view of the statement made by the learned counsel for respondents 1,3 to 5 that they are not interfering with the possession and enjoyment of the petitioner over an extent of Ac.1.20 guntas of land situate at S.No.203, Manuguru Village and Mandal, the same may be placed on record and that the petitioner will move the concerned authorities for payment of compensation for the lands occupied for

laying the road and for constructing the bus stand, if he is so entitled.

In view of the same, the writ petition is closed recording the submission made by the respondents that they are not interfering with the possession and enjoyment of the petitioner over the remaining extent of Ac.1.20 guntas of land. It is open to the petitioner to work out his remedies in accordance with law for payment of compensation.

N.V. RAMANA, J.

Date:5.12.2007

msv